

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

JILL BABCOCK, et al.

Plaintiffs,

Case No. 2:22-cv-12951-JJCG-APP

v

Hon. Jonathan J.C. Grey
Mag. Anthony P. Patti

STATE OF MICHIGAN, et al.

Defendants.

**PLAINTIFFS' REPLY TO DEFENDANTS CITY OF DETROIT AND
DETROIT-WAYNE JOINT BUILDING AUTHORITY'S RESPONSE TO
PLAINTIFFS' COMBINED MOTION AND BRIEF TO EXTEND
DEADLINES AS TO EXPERTS' DISCOVERY**

Plaintiffs Jill Babcock, Marguerite Maddox, and Ashley Jacobson, by and through their attorneys, submit this Joint Reply to Defendants City of Detroit (“City”) and Detroit-Wayne Joint Building Authority (“DWJBA”) (collectively, “Defendants”)’s Responses to Plaintiffs’ Motion to Extended Deadlines as to Experts’ Discovery. ECF Nos. 151 and 152.

Pursuant to Fed. R. Civ. P. 16(b)(4), Plaintiffs’ motion is supported by good cause and causes no prejudice to Defendants. Plaintiffs have shown good cause for extension through their thorough explanation of their expert’s disability, which requires occasional accommodations for incapacitation – a basis for granting

extensions. *See* ECF No. 150 at 2-6 (citing *In re FTCA Flint Water*, No. 17-cv-11218 (consolidated) (E.D. Mich. Jul. 9, 2024)).

Moreover, Fed. R. Civ. P. 16(b)(4) does not require that a moving party show a lack of prejudice to the non-moving party, as prejudice “is merely a consideration” into whether the “good cause” requirement has been satisfied. *Korn v. Paul Revere Life Ins. Co.*, 382 F. App’x 443, 450 (6th Cir. 2010); *see also Tripp v. United States*, No. 21-12859, 2023 U.S. Dist. LEXIS 87004, at * 4-5 (E.D. Mich. Apr. 5, 2023) (quoting *Davidson v. Arlington Cmty. Sch. Bd. of Educ.*, 847 Fed. Appx. 304, 311-12 (6th Cir. 2021)).

Nonetheless, there is no prejudice to Defendants, including DWJBA, in granting Plaintiffs’ motion. Plaintiffs have no objection to the additional extensions proposed by DWJBA and the City. ECF No. 151 at 2-3, ECF No. 152 at 4. Plaintiffs also have no objection to adjusting additional deadlines in the scheduling order, as trial is not scheduled to start until October 2025.

Wherefore, Plaintiffs respectfully request that this Court grant their motion to extend deadlines as to expert discovery. Plaintiffs have demonstrated good cause and shown the absence of prejudice to Defendants.

Dated: January 3, 2024

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LOCAL RULE CERTIFICATION

I, Michael W. Bartnik, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted materials and footnotes); at least one-inch margins on the top, sides, and bottom; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 point (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

Dated: January 3, 2024

/s/ Michael W. Bartnik

By: Michael W. Bartnik (P32534)

CERTIFICATE OF SERVICE

I, Elizabeth K. Abdnour, certify that on January 3, 2024, I electronically filed the above document(s) with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

Dated: January 3, 2024

/s/ Elizabeth K. Abdnour

By: Elizabeth K. Abdnour (P78203)